

REMARKS

Claims 1 through 5, 8, 9, 14 through 16, 19 through 23, 25 through 38 and 42 through 55 are in the case. Claims 1, 3 through 5, 8, 9, 14 through 16, 19 through 23, 25 through 27, 29, 30, 32 through 34, 42 through 47 and 50 are amended by this amendment. Claims 6, 7, 10 through 13, 17, 18, 24 and 39 through 40 are canceled by this amendment. Claims 51 through 55 are added by this amendment.

Claims 1 through 10, 14 through 17, 27, 28, 30 through 36, 38, 39, 42, 45, 46 and 47 through 50 are rejected under 35 U.S.C. § 102(e) as being anticipated by Perelli et al., U.S. Patent No. 6,497,423. Claims 11 through 13, 18, 20 through 26, 29, 37, 40, 41, 43 and 44 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Perelli et al. Claim 19 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Perelli et al. in view of Wilson, U.S. Patent No. 2,865,647.

Claims 1 and 43, as amended, are not anticipated by Perelli. Claim 1 requires two central wheels and four outboard wheels and that the trash holding compartment is *over* the axis of the central wheels and over a central portion of the base. Perelli shows two large wheels and two smaller wheels (or four small wheels). The trash holding compartment 214 of Perelli is positioned outboard of the axis passing through the large wheels (figure 1) and is *not* positioned over a central portion of the base.

Claims 3, 26, 29, 51 and 53, as amended, require that the trash holding compartment is enclosed on four sides by rigid panels. The trash holding compartment of Perelli is a bag (214) suspended from the handle.

Claim 4, dependent from claim 3, further requires a door in one side of the rigid panel closed sided trash holding compartment. The door 188 shown in Perelli is formed in a side of compartment 186 and not in the side of Perelli's trash holding compartment 214.

Claim 5, as amended, requires two outboard compartments positioned on either side of the trash holding compartment with each outboard compartment positioned over two outboard wheels. The outboard compartment 214 of Perelli is *not* positioned over two outboard wheels.

Claims 8, 25, 27, 42 as amended, require that the cart be a function cart having four wheels attached thereto after removal of the removable front portion. The cart of Perelli will

not be functional after removal of the front portion 34 because the remaining cart will only have two wheels.

Claims 14, 44, 45 and 47 require that an outboard compartment be positioned between the trash holding compartment and the handle. Since the handle 28 of Perelli is attached to the trash holding compartment, claim 14 is not anticipated by Perelli.

Claim 52, dependent from claim 14, requires a plurality of side supports attaching the handle to the outboard compartment forming a gap between the handle and the compartment, see FIG. 3. There is no gap between Perelli's handle and the trash holding compartment.

Claim 15, as amended, requires the trash holding compartment be between the goods storage compartment and the wet zone compartment. The trash holding compartment of Perelli is outboard of the goods storage compartment. Therefore, claim 15 is not anticipated by Perelli.

Claim 16, dependent from claim 15, further requires a rigid panel vertical barrier between adjacent compartments where the barrier has the same height as the trash holding compartment and has a width the same as the goods storage compartment. Perelli does not disclose such a barrier as claimed in claim 16.

Claims 23, 47 and 55 are similar to a combination of claim 14 and 52 and is not anticipated by Perelli for the same reasons discussed above for claims 14 and 52.

Claim 30 requires an enclosed storage compartment having a trash receiving through aperture in an upper surface and a door in one side thereof. The enclosed storage compartment of Perelli 186 does not have a trash receiving through aperture in its upper surface.

Claim 33 further requires a plurality of vertically spaced apart shelf supports and a movable shelf positioned on one of the shelf supports. The enclosed storage cabinet of Perelli does not disclose either a plurality of vertically spaced shelf supports or movable shelves.

Claim 34, which depends from claim 33, requires that shelf within the enclosed storage compartment supports a trash bag extending through the trash receiving aperture. The trash bag 214 of Perelli extends parallel next to the enclosed storage compartment. Therefore, claim 34 is not anticipated by Perelli.

Claim 46, as amended, is not anticipated by Perelli. Claim 1 requires two central wheels and two outboard wheels and that the trash holding compartment is *over* the axis of the central wheels and over a central portion of the base. The trash holding compartment 214 of

Perelli is positioned outboard of the axis passing through the large wheels (figure 1) and is *not* positioned over a central portion of the base.

Claim 54 requires that the removable front portion of the base is attached by the central wheels axle. The axle shown in FIG. 3 of Perelli is remote for the removable front portion 34 and could not be used to attached the front portion to the base.

With respect to the Examiner's statement that it would have been obvious to one having ordinary skill to place the trash holding compartment between the goods storage compartment and the wet zone compartment based on the motivation of allowing the cart to have easier access to the goods storage compartment while pushing the cart, Applicants' respectfully disagree. The trash holding compartment as shown in Perelli has traditionally been placed at the rear of the cart to provide easy access to the trash bag, both for placing trash in the bag and for removing and replacing a full trash bag. To move the trash holding compartment to the middle of the cart would reduce access to the trash bag while pushing the cart and would also reduce access while removing a full trash bag. One skilled in the art would be motivated to keep the trash holding compartment at the rear of the cart as taught by Perelli.

In view of the above, it is respectfully submitted that claims 1 through 5, 8, 9, 14 through 16, 19 through 23, 25 through 39 and 42 through 55 are in condition for allowance. Reconsideration of the rejections is requested and allowance of the claims is solicited.

Date *November 17, 2003*



Michael H. Minns
Reg. No. 31,985

Hahn Loeser + Parks LLP
1225 West Market Street
Akron, Ohio 44313
(330) 864-5550